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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/518,994	12/21/2004	Michael Zaiser	LO29-020	7033
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WELLS ST. JOHN P.S.				
601 W. FIRST AVENUE, SUITE 1300				
SPOKANE, WA 99201				
EXAMINER				
RACHUBA, MAURINA T				
ART UNIT		PAPER NUMBER		
3727				
MAIL DATE		DELIVERY MODE		
10/21/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/518,994

**Applicant(s)**

ZAISER, MICHAEL

**Examiner**

Maurina Rachuba

**Art Unit**

3727

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 June 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 16, 17, 19-21, 24-26, 28-36 and 38-47 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16, 17, 19, 20, 29, 30, 36, 38-41 and 44-47 is/are allowed.
- 6) ☒ Claim(s) 21, 24-26, 28, 31-35, 42 and 43 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-846)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 21, 24-26, 28, 31-35, 42 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morland et al, 4,759,154 in view of Allen et al, 2,879,632. '154 discloses an apparatus for aligning a lens, comprising an adapter part **3** comprising an alignment reference **13**, in the form of a transverse web extending perpendicular to an optical axis of the lens. As shown in figures 1 and 4, the adapter is in contact with the connecting material (the adhesive). The web is arranged in a cavity in a side of the adapter part (a top side). '154 does not disclose the adapter having markings, ('154 uses the freedom of movement of table **3** to align the lens with the block as the block is lowered toward the lens and adapter), a collet chuck, or that the lens is a spectacle lens, as opposed to a contact lens, or that the lens is an organic progressive lens. In a lens blocking device, '632 teaches using an adapter part for aligning spectacle lenses, the adapter part configured to position a first holder **51** relative the adapter part; and markings **126** configured to align said spectacle lenses relative other structures. Note jaws **54**, defined by '632 as collet jaws and part of a chuck, which are in physical contact with the holder. Because both references teach an apparatus for holding a lens block for processing a lens, it would have been obvious to one of ordinary skill to have provided the adapter of '154 with the collet chuck and markings of '632, for the predictable result of accurately aligning the lens with the second holder, by controlling

angular position of the lens relative to the other structure. Regarding the workpiece being a spectacle lens, or an organic progressive lens, the examiner takes Official notice that such lenses exist, and are machined using lens blocks. It would have been obvious to have used the method of '154 with such a known lens, for the predictable result of machining the lens. Regarding claim 42, limiting "the markings comprise only two lines intersecting", it is the examiner's position that '632 clearly discloses that there are many lines intersecting, and that any two lines can be considered to meet the limitation of "only two lines intersecting". Applicant has not claimed that there are no other markings (the markings **comprise...**").

***Allowable Subject Matter***

3. Claims 16, 17, 19, 20, 29, 30, 36, 38-41, and 44-47 are allowed.

***Response to Arguments***

4. Applicant's arguments filed 23 June 2009 have been fully considered but they are not persuasive. Applicant argues that the prior art of record does not teach or suggest a transverse web. It is the examiner's position that Morland, **13**, discloses a transverse web as claimed, please refer to the rejection above. Applicant further argues that Allen does not teach "the markings comprising only two lines intersecting". Please refer to the rejection above. Regarding the limitation "two lines intersecting at right angles", Allen discloses graduations **122, 124, 126**, any of which provide two lines intersecting at right angles.

***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maurina Rachuba whose telephone number is 571 272 4493. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Monica Carter can be reached on 571 272 4475. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic

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Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. Rachuba/  
Primary Examiner, Art Unit 3727